



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Frank H. Peters, Michael H. Leary, Yoon-Kyu Song, and Frederick A. Kish, Jr.

Assignee: Agilent Technologies, Inc.

Title: Optoelectronic Device Using A Disabled Tunnel Junction For Current Confinement

Serial No.: 10/040,167 Filing Date: December 31, 2001

Examiner: Quyen P. Leung Group Art Unit: 2828

Docket No.: 10010482-1

San Jose, California  
January 22, 2004

Mail Stop Non-Fee Amendment  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION**

Dear Sir:

This response to the Office Action dated October 22, 2003, which has a statutorily shortened period for response that ends January 22, 2004, includes:

Amendments to the specification;  
A listing of the claims presented for further examination; and  
Remarks given in reply to the Office Action dated October 22, 2003.

THE PATENT LAW OFFICES  
OF DAVID MILLERS  
6560 ASHFILLED COURT  
SAN JOSE, CA 95120  
PH 408-927-6700  
FAX 408-927-6701

01-26-04

2825

AGILENT TECHNOLOGIES, INC.  
 Legal Department, DL429  
 Intellectual Property Administration  
 P. O. Box 7599  
 Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 10010482

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Serial No.: 10/040,167

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## TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

<input checked="" type="checkbox"/> Response/Amendment	<input type="checkbox"/> Petition to extend time to respond
<input type="checkbox"/> New fee as calculated below	<input type="checkbox"/> Supplemental Declaration
<input checked="" type="checkbox"/> No additional fee (Address envelope to "Mail Stop Non-Fee Amendments")	
<input type="checkbox"/> Other: _____	(Fee \$ _____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESEN T EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	19	MINUS	20	= 0	X 18	\$ 0.00
INDEP. CLAIMS	2	MINUS	3	= 0	X 86	\$ 0.00
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ 290	\$ 0.00
EXTENSION FEE	1 <sup>ST</sup> MONTH 110.00 <input type="checkbox"/>	2 <sup>ND</sup> MONTH 420.00 <input type="checkbox"/>	3 <sup>RD</sup> MONTH 950.00 <input type="checkbox"/>	4 <sup>TH</sup> MONTH 1480.00 <input type="checkbox"/>		\$ 0.00
						OTHER FEES
						\$ 0.00
						TOTAL ADDITIONAL FEE FOR THIS AMENDMENT
						\$ 0.00

Charge \$0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.2 5. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,  
 Frank H. Peters et al.

By 

David T. Millers  
 Attorney/Agent for Applicant(s)

Reg. No. 37,396

Date: January 22, 2004

Telephone No. (408) 927-6700

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on The date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Typed Name: David T. Millers

Signature: 